DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/23/2010 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 81-85, 90-91 and 97-102 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (US Pat: 6,667,765).

Regarding claims 81-85, Tanaka in fig. 7 discloses an image pick-up apparatus comprising imaging device comprising: a light source (5), an imager (303, 2); and a controller (304), wherein the controller is configured to, during an imaging period, operate the light source, record the amount of light reflected to the imaging device and, when a certain amount of light is recorded, cease the operation of the light source [see column 8 lines 26-43, column 5 lines 57-59] wherein the controller is configured to record the amount of light based on a signal from the imager (fig. 7, main control 201 of the camera body 2).

Tanaka teaches in fig a light control circuit 304 and a photo-sensor (is a photo detector, emphasis added) which senses a quantity of flash light (white light, emphasis added) reflected from the object. The light control circuit 304 controls a time of flashing of the flash unit 5 responding to the quantity of light sensed by the photo-sensor 305; controlling exposure time (thus illumination duration, emphasis added) [see column 5 lines 1-5, column 8 lines 1-25]. Tanaka teaches signal processing circuit 307 that comprises an automatic gain control (AGC) circuit 307b that adjusts levels of the image signals by adjusting the gain [see column 6 lines 10-20].

Tanaka teaches camera body 2 comprises a monitor display 10 such as LCD, a memory card recorder for a memory card 17 (see FIG. 6), and a connector terminal 13 by which the camera is connected to a personal computer (PC) 18 (see FIG. 7). The image data taken by the image pickup unit 3 is processed by predetermined signal

processing, displayed on the monitor display 10, recorded on the memory card 17, and transmitted to the personal computer 18, if necessary [see column 3 lines 60-67].

Regarding claims 90-91, all other limitations are taught as set forth by the above teaching.

Tanaka also teaches an exposure control time value (which is used as a threshold) and determine the amount of light based on exposure time (emphasis added and see column 5 lines 35-61]. Tanaka teaches comparing a difference time value with an exposure control step [see column 5 lines 35-61] and AGC circuit 307b amplifies the image signals by using the gain factor for compensating the insufficient exposure light quantity [see column 5 lines 35-61, column 8 lines 28-43].

As disclosed above the image data taken by the image pickup unit 3 is processed by predetermined signal processing, displayed on the monitor display 10, recorded on the memory card 17, and transmitted to the personal computer 18, if necessary [see column 3 lines 60-67].

Regarding claims 97-100, all other limitations are taught as set forth by the above teaching.

With regards to environment parameter and environmental measuring tool; Applicant discloses environment parameter such as Ph level, temperature level and light level [see 0219].

As disclosed here, Tanaka teaches light quantity receives by photo sensor 305 reaches a predetermined quantity, a lightning stop signal is outputted to the light control circuit to stop the illumination [see column 8 lines 26-44]. The photo sensor is used as an environmental measuring tool to detect light level by comparing to a predetermined level and stopping the illumination is changing a mode of the device (emphasis added).

Regarding claims 101-102, all other limitations are taught as set forth by the above teaching.

The controller can control the gain factor repeatedly during a plurality of time periods (emphasis added and see column 8 lines 15-25]

Response to Arguments

4. Applicant's arguments with respect to claims 81-85, 90-91 and 97-102 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOEL F. BRUTUS whose telephone number is (571)270-3847. The examiner can normally be reached on Mon-Fri 7:30 AM to 5:00 PM (Off alternative Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. F. B./
Examiner, Art Unit 3768

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768